

A RESOLUTION BY:

02- B -1799

CITY UTILITIES COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN ENCROACHMENT AGREEMENT WITH PPM CONSULTANTS, INC. OR ITS DESIGNEE(S) FOR THE INSTALLATION OF PRIVATE UTILITY FACILITIES CROSSING UNDER CHESHIRE BRIDGE ROAD IN THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

BACKGROUND:

PPM Consultants, Inc. ("PPM") is currently installing a groundwater remediation system (the "System"), consisting of a single story, skid mounted building for the purpose of extracting petroleum impacted soil and groundwater utilizing dual phase vacuum extraction (DPVE) that will be connected to four recovery wells, as directed by the Georgia Environmental Protection Division (EPD) in the City of Atlanta; and

As part of System installation, two four-inch PVC Extraction Line, two two-inch PVC Ambient Air Lines and two one-inch PVC Vacuum Measurement Lines (the "Encroachments") are proposed to be installed under Cheshire Bridge Road (the "Right-of-Way"), a street in the City of Atlanta, to apply vacuum to recovery wells on the opposing side of the Right-of-Way; and

PPM has approached the City seeking an Encroachment Agreement allowing the installation of the Encroachments under the Right-of-Way; and

CITY's Code of Ordinances (Section 138, Article II) requires a Right-of-Way Encroachment Agreement for the construction and operation of private utilities and facilities within the public right-of-way;

The Director of the Bureau of Buildings and the Commissioner of the Department of Public Works have reviewed the plans for the Development and the installation of the Encroachments under the Right-of-Way, have determined that the plans meet the appropriate technical requirements and believe it to be desirable and in the best interests of the City to authorize the City to execute an Encroachment Agreement with PPM allowing the installation of the Encroachments;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

Section 1. The Mayor is authorized to enter into an Encroachment Agreement, as outlined in Section 138, Article II, of the City's Code of Ordinances, with PPM or its designee(s), for the installation of the Encroachments under the Right-of-Way in Cheshire Bridge Road, in a form and pursuant to

conditions determined by the Commissioner of the City's Department of Public Works and the City Attorney to be desirable, appropriate and in the best interests of the City for this transaction.

- Section 2.** That PPM will be required to pay the City a one time rental fee of \$5000 for the right to install encroachments within the City's Right-of-Way.
- Section 3.** That the City Attorney is directed to prepare an Encroachment Agreement in accordance with Section 138, Article II, of the City's Code of Ordinances.
- Section 3.** That the Encroachment Agreement will not become binding upon the City and the City will incur no liability under it until the Mayor has executed it, attested to by the Municipal Clerk and delivered to PPM.